

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

MONASTERY OF CHRIST IN THE
DESERT (MCID),

Plaintiff,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES (USCIS),

Defendants

C.A. No. 1:23-CV-00513-LF-JFR

SETTLEMENT AGREEMENT AND RELEASE

Plaintiff Monastery of Christ in the Desert (“MCID”) and USCIS (together, the “Parties”) agree to the following Settlement Agreement and Release.

TERMS AND CONDITIONS

1. Plaintiff and USCIS (together, the “Parties”), by and through their undersigned counsel, hereby enter into this Settlement Agreement and Release (“Settlement Agreement”) to fully resolve this case.

2. Upon execution of this Settlement Agreement, the Defendant shall, within fourteen (14) days, provide to Plaintiff’s counsel an excel document regarding Plaintiff’s request for certain data points associated with petitions filed by the Monastery of Christ in the Desert from 2012 to the date of the FOIA request. Specifically, those data points are:

- a. Type of petition filed
- b. Date petition was filed
- c. Date petition was approved or denied

- d. Whether the petition was approved or denied
- e. Attorney of Record

These data points are hereinafter referred to as the “list.” The Plaintiff acknowledges and agrees that some data points associated with various petitions may not be searchable and/or maintained in the Agency’s electronic database and Defendant is only obligated to provide the above data points to the extent that they are maintained in the Agency’s electronic database. Plaintiff further acknowledges and agrees that it waives the right to bring any legal claims that could be brought under the FOIA, regarding the production of the list, including but not limited to, the adequacy of the Agency’s search. However, the parties agree that Plaintiff is not precluded from raising a claim regarding the Defendant’s good faith compliance with the settlement agreement.

3. Plaintiff’s counsel will seek the dismissal of the case with prejudice pursuant to Fed. R. Civ. P. 41(a) by filing a Stipulation of Dismissal with Prejudice with the Court no later than ten (10) business days after the receipt of the said list.

4. In the event that the Plaintiff submits a subsequent FOIA request to the USCIS office seeking any specific records in the petition files of petitions identified in the above-referenced list, the Defendant agrees to begin processing the request within twenty (20) business days. The Plaintiff agrees that, in addition to submitting any such subsequent FOIA request to the USCIS FOIA office, Plaintiff will also send an email to uscis.serviceofprocess@uscis.dhs.gov on the same day notifying USCIS FOIA counsel of the submission of the FOIA request. At a minimum, the email shall reference the name, civil action number, and court of this case, i.e. MCID v. USCIS, C.A. No. 23-513, and District of New Mexico, and contain a copy of the FOIA request submitted. The

Defendant's obligation under this paragraph applies to only one (1) such subsequent FOIA request and ceases one (1) year after the execution of this Settlement Agreement.

5. Both the Defendant and the Plaintiff agree that they will bear their own fees and costs and waive any demand for attorney fees, litigations expenses. and other costs related to this action.

6. This Settlement Agreement is entered into solely for the purpose of settling and compromising any and all remaining claims in this action with prejudice and without further litigation and cannot be construed as evidence or as an admission regarding any issues of law or fact, or regarding the truth or validity of any allegation or claim raised in this action.

7. This Settlement Agreement may be executed in counterparts on the Parties' behalf by their attorneys of record and is effective on the date by which both Parties have executed this Settlement Agreement. Facsimiles and pdf versions of signatures will constitute acceptable, binding signatures for purposes of this Settlement Agreement.

SO STIPULATED AND AGREED THIS 30th .Day of January 2024.

BY:

/s/ Julia Jagow
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